<u>REMARKS</u>

In the *final* Office Action mailed June 22, 2010 the Office noted that claims 21, 22 and 24-29 were pending and rejected claims 21-22 and 24-29. In the amendment claim 21 has been amended, no claim has been cancelled, and, thus, in view of the foregoing claims 21-22 and 24-29 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

<u>REJECTIONS under 35 U.S.C. § 112</u>

Claims 21, 22 and 24-29 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In particular, the Office asserts that the claims are either not clear or contain antecedent basis issues.

The Applicants have amended the claims to overcome the rejection.

Withdrawal of the rejections is respectfully requested.

<u>REJECTIONS under 35 U.S.C. § 103</u>

Claims 21, 22, 25 and 28 stand rejected under 35 U.S.C. § 103(a) as being obvious over Barlow, U.S. Patent No. 5,652,867 in view of Slivka, U.S. Patent Publication No. 2003/0225600 in view of Yu U.S. Patent No. 6,408,276. The Applicants

respectfully disagree and traverse the rejection with an argument and amendment.

On page 4 of the Office Action, it is acknowledges that Barlow does not disclose "updating the flight schedule database starting with the future schedule records (FSR) comprising dependent re-accommodation options," as in claim 21, bust asserted that Slivka ¶¶ 0036 and 0045 disclose such a feature.

The Applicants respectfully disagree. Slivka ¶ 0045 states

> After passenger flow model software 116 determines **one or more alternative itineraries**, they may be placed in an output file (not shown). Re-accommodation driver 111 may access the **output file to perform a re-accommodation process that attempts to rebook a disrupted passenger on an alternate itinerary** (Step 235) [Emphasis added]

Thus, Slivka does not teach updating the flight schedule database starting with the future schedule records (FSR) comprising dependent re-accommodation option. Instead, Slivka ¶ 0045 discusses outputting separate itinerary records, not Future Schedule Records and the choosing between them. Further, there is no mention nor is it inherent that the re-accommodation options are dependent as they are in the alternative.

On page 5 of the Office Action, it is acknowledged that Barlow in view of Slivka does not disclose "accessing the future schedule records (FSR) and the flight schedule database simultaneously by the reservation distribution server," as in claim 21, but asserted that Yu, col. 9, lines 20-60 does.

Yu discusses the pairing of airline crews when a problem occurs due to weather, ATC, mechanical problems etc….

In particular, Yu, col. 9, lines 20-60, talks about the data stored in Broken Crew Information record which is not analogous to future schedule record (FSR). Even if, *arguendo*, one was to accept such a proposition, the records are not accessed simultaneously by the reservation distribution server. Further, reservation of airline passengers is separate and distinct function from crew scheduling, such that one of ordinary skill in the art would not look to combine u with Barlow and Slivka.

Thus, taken together with Barlow and Slivka, Yu fails to disclose such a feature.

On page 5 it is acknowledge that Barlow in view of Slivka does not disclose "deleting the future schedule records (FSR)" and "automatically selecting by via the reservation distribution server of a re-accommodation option among from the data of the flight schedule database for the passengers on flights not affected by the future schedule records (FSR)," as in claim 21, but asserts that Yu, col. 10, lines 30-37 discloses such a feature.

However, Yu, col. 10, lines 30-37 states

> The logic flow process enters by way of logic path 32a, and proceeds to logic step 40 where the first operation of a solution generation process, Preprocessing, takes place. A BCI record is taken from a Broken Crew Set, and an attempt to fix the Broken Crew problem is made

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by using a Self-Connected Method (as later described by
example below).

Nowhere in the cited text or for that matter, the entire
reference, can the Applicants find the removal of an FSR.
Further, Yu, or Yu in combination with Barlow and Slivka disclose
selecting re-accommodation option for the passengers on flights
not affected by the future schedule records.

The cited text merely discusses connecting crew members
not assigned to an already existing crew.

On page it is acknowledged that Barlow and Slivka fail
to disclose "validating by an operator of the re-accommodation
options which do not satisfy the re-accommodation automation
rules," but asserted that Yu, col. 9, lines 20-60 discloses such
a feature. Yu fails to discuss operator intervention in the
cited text. Yu col-10, lines 1-10 discuss choosing from
alternatives developed by the system.

However, it does so assuming that re-accommodation
option is satisfied, meaning determined by the system. This is
because in Yu the operator is merely picking from alternatives
developed by the system.

For at least the reasons discussed above, Barlow
and Slivka, taken separately or in combination, fail to
render obvious the features of claim 21 and the claims
dependent therefrom.

Claims 24, 26 and 29 stand rejected under 35 U.S.C.
§ 103(a) as being obvious over Barlow in view of Slivka in

further view of Yu in further view of Official Notice. The Applicants respectfully disagree and traverse the rejection with an argument.

Official Notices adds nothing to the deficiencies of Barlow, Slivka and Yu as applied against the independent claims. Therefore, for at least the reasons discussed above, Barlow, Slivka, Yu and Official Notice, taken separately or in combination, fail to render obvious claims 24, 26 and 29.

Claim 27 stands rejected under 35 U.S.C. § 103(a) as being obvious over Barlow in view of Slivka in further view of Yu in further view of Shetty, U.S. Patent Publication No. 2003/0191678. The Applicants respectfully disagree and traverse the rejection with an argument.

Shetty adds nothing to the deficiencies of Barlow, Slivka and Yu as applied against the independent claims. Therefore, for at least the reasons discussed above, Barlow, Slivka, Yu and Shetty, taken separately or in combination, fail to render obvious claim 27.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 112 and 103. It is also submitted that claims 21, 22 and 24-29 continue to be allowable. It is further submitted that the claims are not taught, disclosed or

suggested by the prior art.   The claims are therefore in a condition suitable for allowance.   An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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